

REMARKS

Claims 60, 62-63, 65, and 76-79 are pending in the present application. Claims 61 and 84-105 are cancelled. In the Office Action dated July 27, 2005, claim 60 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,634,927 B1 to Molnar ("Molnar"). Claims 61 and 84-105 were rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar in view of U.S. Patent No. 6,572,731 to Roy ("Roy"). Claims 62-83 were rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar.

Applicants note that, to date, the Form PTO-1449 from the Information Disclosure Statement filed May 4, 2004 has not been returned.

The Examiner has asserted that the recitation of a specific type of lubricant in claim 60 is a matter of intended use and that Molnar is inherently capable of using this substance in its apparatus. (Office Action dated July 27, 2005; Page 2, ¶ 1). A statement of intended use is a limitation that recites what a device or method is supposed to be used for. Applicants also understand that "[e]xpressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." M.P.E.P. 2115 citing Ex parte Thibault, 164 USPQ 666, 667 (Bd. App. 1969).

In contrast to limitations of intended use or limitations directed to a material or article worked upon by an apparatus, claim 60 is directed to a planarizing machine that includes a specific, inventive, non-abrasive lubricating planarizing solution not disclosed or fairly suggest by the cited references. Thus, the limitations of "wherein the non-abrasive lubricating planarizing solution further comprises homopolymers and copolymers of acrylic acid crosslinked with a polyalkenyl polyether" define part of the planarizing machine and are not an intended use, as asserted by the Examiner. The non-abrasive lubricating planarizing solution recited in claim 60 lends to the patentability of claim 60 because it is not disclosed or fairly suggested by Molnar. In order to anticipate claim 60, Molnar must disclose either expressly or inherently a planarizing machine that includes the inventive non-abrasive lubricating planarizing solution required by claim 60. The mere fact that the apparatus of Molnar may be able to function using the non-abrasive lubricating planarizing solution required by claim 60 does not mean that Molnar, in fact, discloses such an inventive non-abrasive lubricating planarizing solution or a planarizing machine that includes it. Accordingly, the rejection of claim 60 is improper and should be withdrawn because Molnar does not disclose a planarizing machine that includes the inventive non-abrasive lubricating planarizing solution required by claim 60.

Claims depending from claim 60 are also allowable due to depending from an allowable base claim and further in view of the additional limitations recited in the dependent claims.

Turning now to the objections to the drawings for failing to comply with 37 C.F.R. 1.84(p)(5), Applicants previously amended Figure 3 to include the reference numeral 130 indicating the carrier assembly 130 in the amendment dated April 18, 2005. Figure 3 was also amended in the amendment dated April 18, 2005 to change references numerals 134-139 to reference numerals 34-39, respectively, which are referenced in the specification in the background of the invention and corresponded to the same components in Figure 3. Since these changes were previously submitted in the amendment dated April 18, 2005, they are not shown on the annotated sheet showing the changes made to Figure 3 in the present amendment. In the present amendment, reference numeral 113 was changed to 114 to indicate that it is a mixing site and reference numeral 114 was change to 115 to indicate that it is a conduit. (See, Applicants' Specification, Page 9, lines 5-15). Accordingly, Applicants believe that the changes made to Figure 3 adequately address the Examiner's concerns.

All of the claims remaining in the application (claims 60, 62-63, 65, and 76-79) are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
DORSEY & WHITNEY LLP



Marcus Simon
Registration No. 50,258
Telephone No. (206) 903-8787

MS:clr

Enclosures:

Postcard
Fee Transmittal Sheet (+ copy)
Replacement Sheets (Figures 1-4)
Annotated Sheet Showing Changes (Figure 3)

DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101-4010
(206) 903-8800 (telephone)
(206) 903-8820 (fax)

h:\ip\clients\micron technology\100\500163.05\500163.05 072705 final oa amendment.doc

